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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,665	01/26/2004	Kaoru Taneichi	F-8120	8787
28107 7590 06/29/2007 JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168			EXAMINER SAETHER, FLEMMING	
			ART UNIT 3677	PAPER NUMBER
			MAIL DATE 06/29/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/764,665

Applicant(s)

TANEICHI, KAORU

Examiner

Flemming Saether

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-6, 8, 9 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2, 3, 5, 6, 8 and 16-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Election Restriction***

Claims 4 and 9 remain in the application as withdrawn.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2, 3, 5, 6, 8 and 16-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant's amendment to claims 2 and 6 introduces new matter. There is no disclosure that the bolt is unsupported and that the second side of the attachment member is free from contact. To the contrary in fact, the bolt must in some way be supported otherwise the device would not be operable and also, the second side of the attachment member is not free from contact since there is contact at the peripheral edge of the attachment member to form the box like structure (see Figs. 1 and 2).

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 3, 5, 6, 8 and 16-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In the amendment to claims 2 and 6, there is no antecedent basis for when the bolt is attached to the nut member. The bolt has only been introduced as an intended use. Furthermore, the negative limitations introduced by the amendment are generally confusing.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 5, 6 and 8 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Meredith (US 5,655,936) in view of Weddendorf (US 5,340,252) and further in view of Mehlberg (US 5,842,894). Meredith discloses a fastener (16) in combination with an attachment member (18) having a receiving hole (28); the nut includes an attachment part (24) being freely received in the receiving hole and a fitting part (30) which is deformed outward (Figs. 3-5) for retaining the attachment part within the hole and the nut to the attachment member such that the nut engages the attachment member on a first side with a bolt being received from an opposite side. The attachment part has a smaller outside diameter than an inside diameter of the receiving hole (column 2, lines 39-42) and a portion of the nut body adjacent the attachment part

abuts the attachment member (see Figs. 5 and 6). Meredith does not disclose the nut as a quick connect nut. Weddendorf discloses a quick connect nut comprising a hexagonal exterior, an inner conical portion (26) including guideposts (57) receiving a plurality of nut segments (41), a stop flange (36) having an aperture and, a spring biasing the nut segments. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to make the nut of Meredith a quick connect nut as disclosed in Weddendorf in order to quicken the attachment of the nut onto the terminal post in Weddendorf. The skilled artisan would find the quicker advantageous since it would speed the assembly of the battery cable to the battery terminal by allowing for the cable connector to be simply pushed onto the terminal. Meredith, even as modified by Weddendorf, does not disclose the plurality of fitting pieces. Mehlberg discloses a fastener (1) in combination with an attachment member (8) which are secured together and teaches the equivalence of the securement being provided as a single fitting piece or a plurality of fitting pieces (column 3, line 30-31). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to replace the single fitting piece of Meredith with a plurality of fitting pieces in view of the Mehlberg's teaching that a single and plural fitting pieces are recognized equivalents. Once the combination was made, the spring inherently would automatically inhibit loss of tightening power due to an axial shift of the bolt.

Claims 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meredith (US 5,655,936) in view of Weddendorf (US 5,340,252) and view of Mehlberg

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(US 5,842,894) as applied to claims 2 and 6 and further in view of Nalle (US 3,104,493).

Modified Meredith does not disclose the fitting pieces being arcuate. Nalle discloses a fastener (13) in combination with an attachment member (14) having a receiving hole (18); the nut includes an attachment part (21) being freely received in the receiving hole and a plurality of fitting pieces (22). The fitting pieces are formed as four circumferentially spaced arcuate members having an arc of approximately 90° and separated by a distance less than the length of the arc. At the time the invention was made it would have been obvious for one of ordinary skill in the art to form the fitting pieces of modified Meredith in an arcuate shape as disclosed in Nalle in order to increase the area of the fitting pieces and in turn improve the retention of the nut to the attachment member.

### ***Response to Remarks***

After consideration of applicant's remarks, the rejection of the claims over the prior art remains unchanged. While the applicant made amendment to the claims in an effort to define over the prior art since, the structure of the combination is the same as that claimed, the examiner maintains the rejection. The negative limitations do not define over the combination because similar to applicant's invention, in the bolt is unsupported at least at some portion along its length and the second side of the attachment member is free from contact at locations inside its periphery.

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Applicant argues that the combination would not have been motivated since it is not the solving the same problem with which applicant is concerned. In response, the examiner disagrees because there is simply no requirement that the prior art be combined for solving the same problem as concerns the instant invention. It is proper for the prior art to be combined for any reason so long as there is some motivation and, that motivation does not have to be in the references themselves. While there are many prior court cases, the U.S. Supreme Court recently rendered a decision in support of obviousness. See *KSR Int'l Co. v. Teleflex, Inc.*, No 04-1350 (U.S. Apr 30, 2007).

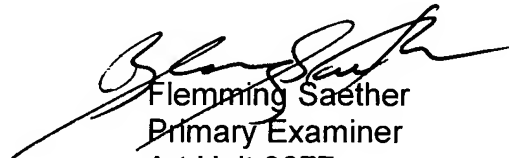
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 571-272-7071. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Flemming Saether  
Primary Examiner  
Art Unit 3677